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Neighborhood Bar & Grill #5711

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Attorneys for Plaintiff
Larry McIver

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Larry McIver,

Plaintiff,

v.

TARGET CORPORATION, dba TARGET
#274; COST PLUS, INC., dba COST PLUS
WORLD MARKET #145; FRIT ESCONDIDO
PROMENADE, LLC; LA SALSA, INC., dba
LA SALSA #93; APPLEBEE'S
RESTAURANTS WEST, LLC, dba
APPLEBEE'S NEIGHBORHOOD BAR &
GRILL #5711; TOYS 'R' US -- DELAWARE,
INC., dba TOYS 'R' US #5633; PARTY CITY
CORPORATION, dba PARTY CITY OF
ESCONDIDO #445; INLAND WESTERN
MDS PORTFOLIO, LLC,

Defendants.

Case No. 08 CV 0132 IEG WMc

**JOINT MOTION TO EXTEND THE
TIME FOR DEFENDANT TO
RESPOND TO THE COMPLAINT**

Judge: Hon. Irma E. Gonzalez

Defendant, Applebee's Restaurants West, LLC dba Applebee's Neighborhood Bar & Grill

#5711 ("Applebee's"), and Plaintiff, Larry McIver ("Plaintiff") hereby file this Joint Motion to

1 extend the period within which Applebee's must file a response to the Complaint on file herein an
2 additional fourteen (14) days. This Joint Motion is made with reference to the following facts:

- 3 • On January 23, 2008, Plaintiff filed a 72-page Complaint naming, amongst other
4 Defendants, Applebee's.
- 5 • Applebee's was personally served with the Complaint on January 29, 2008. Given
6 the 20th day falls on a court holiday, February 18, 2008, Applebee's response due date
7 would fall on Tuesday, February 19, 2008.
- 8 • Applebee's has only recently retained Baker & McKenzie LLP, and more specifically
9 George E. Fleming, to represent it in this matter;
- 10 • That counsel requires additional time to familiarize himself with the facts of the case
11 and file a meaningful response to the Complaint, and also explore possible resolution
12 with Plaintiff.

13 That counsel requires additional time to familiarize himself with the facts of the case and file
14 a meaningful response to the Complaint, and also to explore possible resolution with Plaintiff.

15 WHEREAS, it is believed by these moving parties that the interests of this litigation are best
16 served by permitting defense counsel an opportunity to become familiar with the facts of the case,
17 and possibly explore resolution with Plaintiff, and to have an additional fourteen (14) days within
18 which to respond to the Complaint.

19 NOW THEREFORE, these moving parties respectfully request that this Court approve and
20 enter an order in this matter as follows:

21 That the Court grant Applebee's an additional fourteen (14) days from
22 February 19, 2008 (March 4, 2008), within which to respond to
Plaintiff's Complaint on file herein.

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1 WHEREFORE, these moving parties respectfully request that the Court approve this Joint
2 Motion and issue the proposed order which has been sent electronically to this Court's chambers.

3 Dated: February 11, 2008

BAKER & McKENZIE LLP

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5 By: s/George E. Fleming

6 Attorneys for Defendant

Applebee's Restaurants West, LLC dba

7 Applebee's Neighborhood Bar & Grill

#5711

8 E-mail: george.e.fleming@bakernet.com

9 Dated: February 11, 2008

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11 By: s/Lynn Hubbard, III

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